

Message Text

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E.O. 11652: GDS

TAGS: SHUM

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

1. THE HUMAN RIGHTS COUNTRY EVALUATION PLAN FOR BRUNEI HAS BEEN COMPLETED, CLEARED WITHIN THE DEPARTMENT AND APPROVED BY THE BUREAU OF HUMANITARIAN AFFAIRS (HA). PART A AND THE INTRODUCTION WILL BE SUBMITTED TO CONGRESS AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD), WHILE PART B WILL REMAIN UNCLASSIFIED. THE TEXT OF PART A APPEARS BELOW. CURRENT PLANS ARE FOR PART B TO BE REVIEWED BY THE INTERAGENCY COMMITTEE ON HUMAN RIGHTS (THE CHRISTOPHER COMMITTEE) AT A LATER DATE. PART A WAS CONFIDENTIAL

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SUPPOSED TO BE TYPED IN THE SPECIAL FORMAT FOR THE CPD AND SUBMITTED TO THE DEPUTY SECRETARY BY DECEMBER 15 IN ORDER TO MEET A TIGHT SCHEDULE FOR FINAL SEVENTH FLOOR REVIEW AND PRINTING, BUT A NUMBER OF REPORTS ARE RUNNING LATE.

2. THE TEXT OF PART A IS BEING TRANSMITTED FOR YOUR INFORMATION AND COMMENTS BUT NOT FOR DETAILED CLEARANCE OR

ALTERATION GIVEN THE CONSTRAINTS UNDER WHICH WE ARE OPERATING. IF POSTS FIND MAJOR FACTUAL ERRORS OR BELIEVE SEVERE DAMAGE WILL RESULT TO US INTERESTS FROM SPECIFIC

STATEMENTS, WE SHOULD BE INFORMED BY IMMEDIATE TELEGRAM WITH EA ONLY CAPTIONS. INSTRUCTIONS WILL BE GIVEN LATER CONCERNING ADVANCE NOTIFICATION OF HOST GOVERNMENTS. YOU SHOULD BE AWARE THAT CHANGES WILL BE EXTREMELY DIFFICULT TO EFFECT AT THIS ADVANCED STAGE FOLLOWING "FINAL" CLEARANCES. TEXT FOLLOWS:

3. HUMAN RIGHTS EVALUATION PLAN - BRUNEI

INTRODUCTION: BRUNEI IS A SMALL, INDEPENDENT MUSLIM SULTANATE ON THE NORTHWEST COAST OF BORNEO. IT DERIVES MOST OF ITS INCOME FROM EXTENSIVE RESERVES OF OIL AND NATURAL GAS. SUPREME EXECUTIVE AUTHORITY IS VESTED IN THE SULTAN, H.H. SIR MUDA HASSANAL BOLKIAH, WHO RULES THROUGH APPOINTED PRIVY, EXECUTIVE, AND LEGISLATIVE COUNCILS. BRUNEI HAS FULL INTERNAL SELF-GOVERNMENT, BUT, PURSUANT TO A 1971 AGREEMENT, GREAT BRITAIN IS RESPONSIBLE FOR THE SULTANATE'S FOREIGN RELATIONS AND IS COMMITTED TO CONSULT IN THE EVENT OF AN EXTERNAL THREAT OR ATTACK. (NEGOTIATIONS REPORTEDLY ARE CURRENTLY UNDERWAY FOR WITHDRAWAL OF THE BRITISH GURKHA BATTALION STATIONED IN BRUNEI AND FOR RELINQUISHMENT OF BRITISH RESPONSIBILITY FOR FOREIGN AFFAIRS.) A
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RESOLUTION CALLING FOR UNITED NATIONS-SUPERVISED ELECTIONS IN BRUNEI, REMOVAL OF A BAN ON POLITICAL PARTIES, AND PERMISSION FOR EXILES TO RETURN TO PARTICIPATE IN THESE ELECTIONS WAS PASSED BY THE U.N. GENERAL ASSEMBLY NOV. 28, 1977. THE U.S. AND 13 OTHER GOVERNMENTS ABSTAINED ON THIS RESOLUTION.

REPRESENTATIVE GOVERNMENT WAS INSTITUTED IN BRUNEI IN AUGUST 1962 WITH ELECTIONS WHICH WERE WON BY THE BRUNEI PEOPLE'S PARTY (PARTI RAKYAT BRUNEI). EMERGENCY RULE WAS THEN DECLARED IN DECEMBER AND THE LEGISLATIVE COUNCIL SUSPENDED FOLLOWING AN ARMED REVOLT BY THE PARTI RAKYAT, LED BY A.M. AZAHARI, AGAINST THE SULTAN. AZAHARI, WHO REMAINS THE PARTY'S PRESIDENT IN EXILE, SOUGHT TO ESTABLISH A RADICAL SOCIALIST STATE OF NORTH BORNEO (KALIMANTAN UTARA) INCORPORATING WHAT ARE NOW THE MALAYSIAN STATES OF SABAH AND SARAWAK, BUT HIS EFFORTS WERE DEFEATED BY PROMPT BRITISH INTERVENTION.

1. RESPECT FOR THE INTEGRITY OF THE PERSONS, INCLUDING FREEDOM FROM:

- A. TORTURE: FROM EXILE IN MALAYSIA, THE PARTI RAKYAT HAS CHARGED THE BRUNEI GOVERNMENT WITH VARIOUS CRIMES INCLUDING MURDER AND TORTURE. HOWEVER, INDEPENDENT WESTERN NEWSMEN AND U.S. OFFICIALS FAMILIAR WITH BRUNEI REPORT THAT OVER THE PAST TEN TO FIFTEEN YEARS THE ROYAL

BRUNEI GOVERNMENT HAS NOT BEEN KNOWN TO PRACTICE OR CON-
DONE TORTURE.

- B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT: THESE PRACTICES ARE NOT KNOWN TO BE ENGAGED IN IN BRUNEI. CON-
DITIONS IN THE COUNTRY'S SMALL PRISON AT BERAKAS ARE REPORTED TO BE MAINTAINED TO WESTERN STANDARDS.

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- C. ARBITRARY ARREST AND IMPRISONMENT: IN AN AUGUST 1977 NEWS RELEASE, THE PARTI RAKYAT CLAIMED THAT THE BRUNEI GOVERNMENT CONTINUES TO HOLD 41 OF ITS MEMBERS WITHOUT TRIAL, SOME OF THEM SINCE LATE 1962. A WESTERN CORRESPONDENT REPORTED IN JULY 1976 THAT THERE WERE 37 POLITICAL DETAINEES IN BRUNEI, OF WHICH 26 HAD BEEN HELD SINCE THE 1962 REVOLT AND 11 HAD BEEN DETAINED SINCE 1974 WHEN THE PARTI RAKYAT INITIATED A PROGRAM OF PROPAGANDA AND INFILTRATION. AMNESTY INTERNATIONAL HAS REPORTED THE RELEASE OF 30 OF 49 DETAINEES IN DECEMBER 1976 AND MARCH 1977, BUT NOTES THAT SOME OF THE 19 REMAINING HAVE SPENT MORE THAN 13 YEARS IN CONFINEMENT. OVER THE PAST DECADE, BRITAIN AND OTHER COMMONWEALTH COUNTRIES ARE REPORTED TO HAVE URGED THE RELEASE OF ALL THE PRISONERS REMAINING FROM THE REVOLT.

- D. DENIAL OF FAIR PUBLIC TRIAL: PERSONS ACCUSED OF CRIMES IN BRUNEI ARE GENERALLY AFFORDED A FREE AND OPEN TRIAL UNDER CIVIL AND CRIMINAL PROCEDURES INHERITED FROM THE BRITISH. DOMESTIC RELATIONS AND RELIGIOUS MATTERS ARE TRIED IN TRADITIONAL MUSLIM SHARIA COURTS. THE 19 DETAINEES WERE AN EXCEPTION TO THE GENERAL RULE HAVING BEEN ARRESTED UNDER THE PROVISIONS OF AN EMERGENCY ORDINANCE.

2. RESPECT FOR CIVIL AND POLITICAL RIGHTS:

- A. FREEDOM OF THOUGHT, RELIGION AND ASSEMBLY: THE SULTAN OF BRUNEI CONTINUES TO RULE UNDER EMERGENCY REGULATIONS WHICH BAN POLITICAL ACTIVITY. PUBLIC EXPRESSION OF OPINIONS CRITICAL OF THE SULTAN AND HIS GOVERNMENT ARE PROHIBITED, AND TELEVISION AND RADIO ARE CONTROLLED BY THE STATE. DAY-TO-DAY LIFE, EXCLUSIVE OF THESE RESTRAINTS,
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GOES ON UNDER NORMAL PROTECTIONS AFFORDED BY MUSLIM, AND TO A DEGREE BRITISH, LAW. TRADE UNIONS EXIST IN GOVERNMENT AND THE PETROLEUM AND PLANTATION INDUSTRIES, BUT THE RIGHT TO STRIKE IS CIRCUMSCRIBED BY THE STATE OF EMERGENCY. FREEDOM HOUSE LISTS BRUNEI AS 'NOT FREE'. THERE IS NO DOCUMENTED DISCRIMINATION AND FREEDOM OF RELIGION IS NOT AN ISSUE. CHRISTIAN MISSIONS FOR INSTANCE

ARE ALLOWED TO OPERATE IN THIS PREDOMINATELY MUSLIM STATE.

- B. FREEDOM OF MOVEMENT AND TRAVEL: TO THE BEST OF OUR KNOWLEDGE, FREEDOM OF MOVEMENT, FOREIGN TRAVEL, AND EMIGRATION ARE NOT CONSTRAINED BY THE GOVERNMENT OF BRUNEI.

- C. PARTICIPATION IN THE POLITICAL PROCESS: THE ROYAL BRUNEI GOVERNMENT IS PATERNALISTIC AND ABSOLUTIST BY NATURE. WHILE ENCOURAGING THE DEVELOPMENT OF THE COUNTRY'S ECONOMY ALONG ESSENTIALLY MODERN LINES, IT ADHERES TO A TRADITIONAL CONSERVATIVE MUSLIM MORAL AND JUDICIAL CODE.

3. TRENDS IN GOVERNMENTAL POLICIES RELATED TO FULFILMENT OF BASIC HUMAN NEEDS:

- A. THE SULTAN AND HIS FATHER, SIR OMAR ALI SAIFUDDIN, HAVE DEVOTED THEMSELVES TO THE MODERNIZATION AND DEVELOPMENT OF BRUNEI. THEY HAVE BEEN MODERATE IN THEIR PERSONAL SCALES OF LIVING AND HAVE SHARED THE BENEFITS FROM BRUNEI'S OIL AND GAS INDUSTRY WITH ALL OF THEIR SUBJECTS. TODAY BRUNEI HAS ONE OF THE HIGHEST PER CAPITA GROSS NATIONAL PRODUCTS IN ASIA AT \$3,000 (1976) AND POVERTY AND UNEMPLOYMENT ARE NONEXISTENT. SERVICES PROVIDED BY THE GOVERNMENT INCLUDE FREE EDUCATION, FREE MEDICAL SERVICES, OLD AGE PENSIONS, SUBSIDIZED HOUSING AND LOANS

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TO BUY MODERN APPLIANCES AND MACHINERY.

- B. CORRUPTION DOES NOT OCCUR IN BRUNEI TO THE DEGREE THAT IT IS KNOWN IN SOME ASIAN COUNTRIES.

4. RESPONSIBILITY FOR BRUNEI'S HUMAN RIGHTS RECORD: MANY OF THE LEADERS OF THE 1962 PARTI RAKYAT REVOLT OWED

THEIR EDUCATION AND ADVANCEMENT TO THE SULTAN'S FATHER, SIR OMAR ALI SAIFUDDIN, WHO CONTINUES TO ACT AS AN ADVISER TO HIS SON. THEIR ATTEMPT TO OVERTHROW HIM THROUGH FORCE OF ARMS AND WITH THE ENCOURAGEMENT OF THE LATE PRESIDENT SUKARNO OF INDONESIA HAVE OFFENDED SIR OMAR'S AND THE SULTAN'S CONSERVATIVE MUSLIM VALUES PUTTING SOME OF THE REVOLUTIONARIES LITERALLY "BEYOND THE PALE". HENCE THE REFUSAL TO RELEASE ALL THE DETAINED PARTI RAKYAT LEADERS.

THE GOVERNMENT MUST ALSO TAKE CREDIT FOR SHARING THE BENEFITS OF GAS AND OIL REVENUES WITH THE SULTANATE'S POPULATION.

5. INDEPENDENT, OUTSIDE INVESTIGATIONS OF ALLEGED HUMAN

RIGHTS VIOLATIONS: AMNESTY INTERNATIONAL HAS "ADOPTED" DETAINEES IN BRUNEI AND IS CURRENTLY SPONSORING 19 POLITICAL PRISONERS THERE THROUGH ITS PROGRAM. NO REQUESTS ARE KNOWN TO HAVE BEEN MADE BY OUTSIDE ORGANIZATIONS TO INVESTIGATE HUMAN RIGHTS IN BRUNEI.

6. COPY POUCHED TO EMBASSY LONDON. VANCE

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